IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3498 OF 2004

Mr.Cleatus Franklin Fernandes ...Applicant

vs.

Paulo Eateven Fernandes & Ors. ...Respondents

Mr.Harjeet Kaur with Mr.A.S.Anand for the Applicant
Ms M.M.Deshmukh,A.P.P. for State
Mr.Glean A. Lobo for the Respondent No.3

CORAM: A.S.OKA,J.
DATE : JUNE 20,2005.

P.C.:

1. This Application is for cancellation of bail. It is not in dispute that the Respondents have paid the instalments which were due in March 2005 and in May 2005. The learned Counsel appearing for the Respondents on instructions states that in terms of undertaking dated 22nd July 2003, the Respondents will keep on paying instalments every alternate month by 21st day of the month. The statement is accepted.

2. In view of this statement, this Application for cancellation of bail need not be entertained. Accordingly the Application is disposed of. Liberty to the Applicant to take out fresh Application in case there is a default made by the Respondents in compliance of the undertaking dated 22nd July 2003.

3. At this stage the learned Counsel appearing for the

Applicant submitted that the proceeding pending before the Trial Court may be stayed. The said prayer cannot be considered in this Application.

4. In the event the Applicant desires to apply for stay of the proceeding pending in the Trial Court, liberty to take out appropriate proceeding.

5. The proceeding in the Trial court will remain stayed for a period of four weeks from today to enable the Applicant to take out appropriate proceeding.

JUDGE